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- Mark Martin, Chronicle Sacramento Bureau  
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**(01-26) 04:00 PST Sacramento** -- A state watchdog agency, in a scathing report critical of the governor and Legislature, recommended on Thursday the creation of a powerful commission to revamp California's sentencing laws.

The report by the Little Hoover Commission is likely to add to the momentum to take some control of criminal justice policy away from the Legislature.

The commission warned Gov. Arnold Schwarzenegger and lawmakers to act quickly to repair the state's overcrowded and broken prison system or risk losing control of the system -- and the state budget -- to federal courts.

It recommended convening a group of experts to rewrite criminal sentences as a key to reform.

The idea is controversial and will likely be a focus of debate this year as policymakers work on prison reforms while facing threats from federal judges to relieve overcrowding and while wrestling with a U.S. Supreme Court decision last week that threw into question the state's sentencing laws.

The report comes on the heels of bills introduced by Democratic lawmakers to create a sentencing commission that could change sentencing laws unless the Legislature voted to reject the changes. While Democrats -- including Senate President Pro Tem Don Perata, D-Oakland -- and the Little Hoover Commission insist a new sentencing panel must have the power to make changes, Schwarzenegger and many Republican lawmakers have argued the new commission should only make recommendations.

On Thursday, a spokesman for Schwarzenegger said the governor opposed giving clout to a sentencing commission.

"The safety of the people of California should exist with the Legislature and the governor, who are accountable to the voters," said Schwarzenegger press secretary Aaron McClear.

The governor has called for a 17-member sentencing commission that would advise policymakers on changes to sentencing and parole policies.

Bills by state Sen. Gloria Romero, D-Los Angeles, and Assemblywoman Sally Lieber, D-



Mountain View, would create a commission that could enact policy unless vetoed by the Legislature.

All sides agree California's prison system is a debacle, as the report by the bipartisan Little Hoover Commission described it Thursday. In a report titled "Solving California's Corrections Crisis: Time is Running Out," the commission argues the state's criminal justice policy has crowded prisons, cost taxpayers too much money and exacerbated crime by releasing dangerous felons back into the neighborhoods they victimized.

Two-thirds of the 123,000 inmates who leave California prisons every year commit a new crime or violate parole in a system that will cost taxpayers \$10 billion during the next fiscal year, according to the commission's report. U.S. District Judge Lawrence Karlton has given the governor and lawmakers until June to address overcrowding -- or face a population cap that could lead to the early release of inmates. U.S. District Judge Thelton Henderson also is considering a population cap in a separate lawsuit.

In addition, a federal receiver now in control of the prison health care system threatened to "back up the truck to raid the state treasury" during a recent commission hearing, and the commission's report notes that more judicial intervention could lead to policymakers having less control of a state budget that funds things like schools and public health programs.

A key point of debate this year is a sentencing commission.

In states such as Virginia and North Carolina, commissions of experts, ranging from district attorneys, academics, crime victims groups and legislators, have made changes that led to longer sentences for violent criminals and alternatives to prison for some nonviolent offenders, the commission notes in its report. The changes slowed the growth of the prison population while also reducing the crime rate.

Commissions also provide data to lawmakers and voters outlining the costs of changes to sentences, something that isn't always available in California. The Little Hoover Commission noted that lawmakers and voters in California have created more than 1,000 felony sentencing laws, setting in place an overly complicated system.

Saying policymakers had ignored 17 years of recommendations for changes to the criminal justice system, commission member Daniel Hancock said change would happen only through experts, not politicians.

"If you think you're losing authority now, wait until a federal judge tells you you have to let out 35,000 prisoners," he said.

The Little Hoover Commission, which consists of appointees by the governor and lawmakers, acts as an independent watchdog over state government. The report released Thursday, available at [www.lhc.ca.gov](http://www.lhc.ca.gov), consists of recommendations and is not binding.

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